

HOUSE OF REPRESENTATIVES—Monday, May 8, 2000

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills and concurrent resolutions of the following titles in which concurrence of the House is requested:

S. 1452. An act to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse".

S. Con. Res. 103. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

S. Con. Res. 108. Concurrent resolution designating the week beginning on April 30, 2000, and ending on May 6, 2000, as "National Charter Schools Week".

S. Con. Res. 109. Concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community.

MORNING HOUR DEBATES

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the mi-

nority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

QUESTIONING THE DEPARTMENT OF JUSTICE ON ELIAN'S ABDUCTION

Mr. STEARNS. Madam Speaker, I come to the House floor to not talk about the debate whether Elian should be reunited with his father or not. I think the majority of Americans say he should. What I am here to talk about is the constitutionality of what was done by the Justice Department, and to pose some questions and urge our leadership on this side to hold hearings.

Regrettably, the American people, the Miami relatives of Elian Gonzalez and the Congress still do not have all of the answers which led up to the events that transpired on that Easter recess by the Justice Department and the Immigration and Naturalization Service.

Madam Speaker, of course, the world has seen that famous photograph by now of an INS SWAT officer pointing an assault rifle at Elian, that assault rifle was a Heckler & Koch MP5 sub-machine gun.

The Attorney General during Easter weekend, ordered armed forces into the house of Mr. Lazaro Gonzalez in order to free Elian and reunite him with his father.

What the world, Americans and Congress do not know are the events that led up to activities that transpired during and after the government's raid on a private citizen's home, just as the Congress did in the case of the Waco and Ruby Ridge. I think it is the responsibility of this legislative branch to seek the truth and have government justify its actions in instances in which the sacred constitutional liberties of Americans have been jeopardized.

Madam Speaker, I submit this afternoon that there are many questions that still need to be answered, and we are not here to debate whether Elian should be reunited with his father. Those are answers that ultimately will be left up to the courts.

While the court struggles with the issue of immigration and family law, the Congress has the duty and responsibility to seek answers to the policies of the Justice Department that led up to the heavily armed Federal agents breaking into the house of peaceful

American citizens, with agents pointing machine guns at American citizens in their own home and trashing their own home, too.

Just as important, oversight is needed to determine whether the judicial process was circumvented by the administration. Reports indicate that the nature by which the search warrants were issued were made under false pretenses. How many different judges did the administration go to before having the search warrant accepted? Did any of the judges refuse to issue a search warrant, and if so, on what grounds?

During the early days of Elian's arrival in the United States, the Justice Department and the INS were quick to point out that asylum and custody questions could only be answered in the courts.

What is the policy of the Department of Justice and INS when State courts do not agree with Federal agencies? Does the Attorney General have the power to overrule the decisions of State courts such as ones which decide custody measures?

In addition, Madam Speaker, why was the Justice Department not willing to await the outcome of Elian's claim for asylum before the 11th U.S. Circuit Court of Appeals? What does that say about how much weight the administration gives to our judicial branch of the government?

How will the Attorney General justify her actions if the 11th Circuit decides Elian's asylum claims are true in manners which contradict the Department's actions?

What constitutional authority does the Federal Government have in executing search warrants in cases that are not criminal? In how many other cases has the INS broken down doors and used armed agents in custody cases?

Additionally, why did the Attorney General feel compelled or pressured to use overwhelming armed force when Elian's life was not in danger?

The negotiations were still taking place at the time the INS broke down the door and trashed the Gonzalez house. Should it be the policy of the INS to present the possibilities of deadly force when confronting situations which are not criminal? Additionally, Gregory Craig, the attorney for Juan Miguel, also happened to be the attorney for the President during the impeachment trials.

Elian's Miami relatives and the American people have a right to know what role Gregory Craig played during

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.